

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GOLDMAN SACHS, & CO.,	:	Case No. 13 CV 1319
	:	Judge Paul A. Crotty
Plaintiff,	:	
	:	
-against-	:	<b>MOTION TO DISMISS</b>
	:	<b>OR, ALTERNATIVELY,</b>
NORTH CAROLINA MUNICIPAL	:	<b>TO TRANSFER FOR</b>
POWER AGENCY NUMBER ONE,	:	<b>IMPROPER VENUE</b>
	:	
Defendant.	:	
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**NOW INTO COURT** comes Defendant North Carolina Municipal Power Agency Number One (“NCMPA”), who respectfully submits this motion to dismiss or, alternatively, to transfer for improper venue the complaint filed by Goldman Sachs, & Co. (“Goldman”). For the reasons explained in the attached memorandum, this court should, under Federal Rule of Civil Procedure Rule 12(b)(3) and 28 U.S.C. § 1406(a), either dismiss this action or, in the interest of justice, transfer it to the United States District Court for the Eastern District of North Carolina.

**WHEREFORE**, NCMPA requests that its motion be granted, and that the instant matter be dismissed or, in the interest of justice, transferred to the United States District Court for the Eastern District of North Carolina.

April 26, 2013

Respectfully submitted,

/s/ James R. Swanson

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2013, I electronically filed the foregoing along with the attached memorandum and declarations with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ James R. Swanson